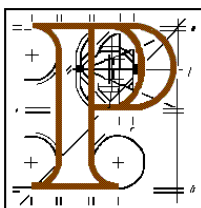


## An Bord Pleanála



### Inspector's Report

**Appeal Reference No:** PL26.246120

**Development:** Retention of alterations from works granted under planning permission register number 20110975 including erection of 2 number feed silos and associated site works at Bulgan, Glynn, Co. Wexford.

#### Planning Application

Planning Authority: Wexford Co. Co.  
Planning Authority Reg. Ref.: 20151104  
Applicant: Premier Pigs Ltd.  
Planning Authority Decision: Grant Permission

#### Planning Appeal

Appellant(s): Tara Cook and others  
Type of Appeal: Third Party  
Observers: None  
Date of Site Inspection: 20<sup>th</sup> April 2016

**Inspector:** Emer Doyle

## **1.0 SITE LOCATION AND DESCRIPTION**

The appeal site, which has an area of 0.88 hectares is located in the townland of Bulgan, approximately 1.5km from Glynn to the south of Enniscorthy, Co. Wexford.

The site currently comprises of a large agricultural building with slatted floor which accommodates 48 Trobridge pens for finishing pigs. When the unit is fully stocked a total of 1350 pigs can be accommodated. Permission was granted for a two storey office building adjacent to the north western side of the building and this is partially constructed at present.

The roadside boundary consists of a dense native hedgerow and there is an agricultural gate into the site. A wooded area is located to the east of the site. A 1.5m high berm planted with hedgerow is located to the north and east of the piggery. There has been extensive planting of saplings on the lands to the south of the piggery between the planted berm and the roadside boundary. The area to the west of the access has also been planted with saplings.

The area is primarily agricultural in nature. There are a small number of commercial forestry plantations in the vicinity of the site. There are a large number of one off rural dwellings in the area, many of which appear to have been constructed in recent years.

A set of photographs of the site and its environs taken during the course of the site inspection is attached.

## **2.0 PROPOSED DEVELOPMENT**

The development comprises of the retention of the following:

- 2 No. grain storage silos which are 10.2m in height. These are located to the east of the existing building and are in place of 3 No. 8m high grain storage silos granted under 20110975/ PL26.240087.
- A letter submitted with the application states that during the period from the original design and final commissioning of the piggery, developments in the pig meat industry focused on the most sustainable feed systems to produce prime meat product in shorter periods while reducing odour impacts and energy consumption. The original design was adapted to eliminate wet feed and convert to a dry feed system. This

adaptation required only 2 grain silos and the planned wet tanks were no longer required.

## **2.0 PLANNING HISTORY**

### **PA 20110975/ PL26.240087**

Permission granted by Planning Authority and by An Bord Pleanála on appeal for the erection of a pig rearing facility with associated office and feed storage area, ancillary services, site entrance, access road and site works at Bulgan, Glynn, Co. Wexford.

#### **Enforcement**

##### **0086/2014**

Non compliance with conditions attached to planning permission.

##### **0087/2015**

Non compliance with conditions attached to planning permission.

## **4.0 PLANNING AUTHORITY DECISION**

### **4.1 TECHNICAL REPORTS**

#### **Planning Report**

The planner's report noted that a total of 24 No. submissions had been received. It was considered that the principle of a piggery at this location had been established by the site history. It was considered that odour emissions would be reduced due to the proposals for the silos to house dry feed as opposed to wet feed. The assessment of the application focused on the visual impact and it was concluded that two 10m silos would not be any more or less visually intrusive than the three permitted 8m silos.

#### **Senior Executive Scientist**

No objection subject to conditions.

## **Area Engineer**

No objection subject to conditions.

### **4.2 Planning Authority Decision**

The Planning Authority granted permission subject to one standard condition only.

## **5.0 GROUNDS OF APPEAL**

**A third party appeal** against the Council's decision was submitted by Tara Cook and others. The grounds of appeal and main points raised in the submission can be summarised as follows:

- Oral hearing request.
- Concern regarding height and visual impact of silos.
- Enforcement action ongoing in relation to 8 No. conditions.
- No documentary evidence submitted with application that odour will be reduced due to silos housing dry feed as opposed to wet feed.
- The wooded area to the east is a Teagasc forest due for harvest in the future and should not therefore be taken into consideration as screening.
- In relation to traffic, a bridge has collapsed along the road used for transportation of pigs and near miss accidents have been witnessed involving pig lorries.

## **6.0 RESPONSES/OBSERVATIONS TO GROUNDS OF APPEAL**

### **6.1 Planning Authority Response**

This response can be summarised as follows:

- The principal of a pig rearing facility at this location has been established by site history.
- Agricultural silos of this nature will be visible, particularly given the relatively flat topography of the area. The Planning Authority considers that the 10m silos would not be any more or less visually intrusive on the landscape than three 8m silos.

- The Planning Authority does not consider that the granting of permission would in any way exacerbate the ongoing issues in relation to this facility or provide an obstacle to the resolution of ongoing issues.

## **6.2 First Party Response**

A response has been submitted by the First party which can be summarised as follows:

- Silos are not on top of a hill - see topographical map attached.
- All enforcement matters have been dealt with and it is a matter for the council to rescind the notices they issued.
- Planting has been ongoing and in 2015 it was completed by a horticulturist engaged and the trees and shrubs will over time give adequate screening. The planting needs adequate time to establish itself.
- No bridge has collapsed along the route used to transport animals. The enclosed map shows the route. The only bridge I am aware of that suffered damage in recent times is in Kilpatrick a distance of 4.2km from the site and not along the route used.
- The regulations concerning the recovery of pig slurry as a fertiliser by landspreading apply to the landowner and not the piggery owner as per Teagasc regulations Article 16 of S.I. 31 of 2014.
- A Nutrients Management Plan is not required for the piggery and in any event the Council have recently confirmed compliance with the relevant planning conditions.

## **6.3 Observations**

None.

## **7.0 POLICY CONTEXT**

### **Wexford County Council Development Plan 2013-2019**

- Section 6.4.6 deals with Agriculture.

- Objective ED17 It is an objective of the Council to promote the continued development of food production and processing within the county subject to complying with normal planning and environmental criteria and the development management standards in Chapter 18.
- Site is identified as 'lowlands' in the Landscape Character Assessment.
- Policy relating to Landscape Character Assessment is set out in Section 14.4.2.
- Section 10.6.6 Agricultural Waste

## **ASSESSMENT**

Having examined the file and having visited the site I consider that the main issues in this case relate to:

1. Principle of Proposed Development
2. Visual Impact
3. Other Matters

## **PRINCIPLE OF PROPOSED DEVELOPMENT**

The subject site is located in a rural area outside of the village of Glynn, Co. Wexford.

It is considered that that agricultural development is permitted in principle at such rural locations and it is my opinion that such locations are generally, subject to good practice and managements, the optimum location for agricultural developments. A piggery has been established on this site for a number of years which was granted permission by Wexford County Council and by An Bord Pleanála on appeal.

Having regard to the site history, the established use of the site, and the location of the site in a rural area, I consider that the retention of the existing development would be acceptable in principle, subject to all other relevant planning considerations being satisfactorily addressed.

## Visual Impact

This application relates to the retention of two No. silos in place of 3 No. silos which were originally granted permission. The silos originally granted permission under PA Ref. 20110975/ ABP Ref. 24.240087 had a floor area of 4.9m<sup>2</sup> and a height of 8m. The silos built on site are located on the opposite side of the building from those originally proposed and have a height of 10.2m and a floor area of 7m<sup>2</sup>.

The principal issue in this appeal in my view relates to the visual impact of the two 10.2m silos.

The Landscape Character Assessment of the current plan identifies that this site is located in a lowlands area. *'Such lands generally comprise gently undulating lands and relate to extensive areas of the County. This landscape has the characteristics to absorb development without causing significant visual intrusion. The landscape is characterised by higher population levels and more intensive agriculture. It is punctuated by many of the county's hills and ridges, the more sensitive of which have been defined as Landscapes of Greater Sensitivity.'*

I consider that this site accords with the typical characteristics of the lowlands area. The lands are gently undulating in the area and there are high population levels with a significant number of one off dwellings which appear to have been built in recent years. I noted also, that there was a number of areas of commercial forestry in the area surrounding the site. There are no hills identified as Landscapes of Greater Sensitivity in the vicinity of the site.

I note that the 2 No. silos are located c. 65 and 88m from the roadside boundary. A berm which is c. 1.5m in height is located to the north and east of the piggery. This berm has been partially planted with hedging. I also note that there has been significant planting of saplings on lands to the front of the building on both sides of the access road.

Whilst I would accept that the 10.2m high silos are visible in the surrounding area, I consider that the landscape is not designated as being sensitive and has the capacity to absorb the development. Agricultural silos of this nature will be visible, however, I am in agreement with the Planning Authority in that the two 10.2m high silos will not be any more or less visually intrusive than the three 8m high silos previously permitted. I am of the view that the silos are not untypical in a rural setting and do not consider that they unduly detract from the visual amenities of the area.

## **Other Matters**

I note that the appellants have expressed concern in relation to conditions of the previous appeal which have not been complied with. The applicant has responded that these matters have now been addressed. The Planning Authority considers that the granting of permission would not exacerbate the ongoing issues relating to the facility or provide an obstacle to the resolution of ongoing issues. These issues include odour, traffic management and the submission of a nutrient management plan. The Board have no role in enforcement matters and any outstanding enforcement issues are a matter for the Planning Authority.

## **Appropriate Assessment**

Having regard to the nature and scale of the development to be retained and proximity to the nearest Natura 2000 site, I am satisfied that the development either individually or in combination with other plans and projects would not be likely to have a significant effect on any designated Natura 2000 site and should not be subject to appropriate assessment.

## **10.0 RECOMMENDATION**

### **Reasons and Considerations**

Having regard to pattern of development in the area, the planning history of the site, and the scale, design and use of the silos, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic safety and convenience. The development to be retained would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **CONDITIONS**

1. The development shall be retained in accordance with the plans and particulars lodged with the application.



**Reason:** In the interest of clarity.

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Emer Doyle

28<sup>th</sup> April 2016